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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,080

04/16/2004

Andreas Eckleder

8696-000181

9957

27572 7590 09/04/2008
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EXAMINER

DUNN, MISHAWN N

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

09/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/826,080	Applicant(s) ECKLEDER, ANDREAS	
	Examiner MISHAWN DUNN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/06, 10/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 21 defines a computer program product embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 and 22-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al. (US Pat. No. 7,336,891).

3. Consider claim 1. Ito et al. teaches a system for converting DVD based video recording formats among each other, comprising: a reader unit for reading source data organized in a DVD-source format from a DVD-source medium; an input module coupled with the reader unit for receiving data from the source medium; a writer unit for writing destination data organized in a destination format on a DVD-destination medium; an output module coupled with said writer unit for supplying data to be written, wherein said input module is adapted to provide source data in at least the DVD-source format and a generic DVD-format, and said output module is adapted to get data from said input module in one of said offered DVD-formats depending on the DVD-destination format (col. 3, line 46 – col.4, line 62; col. 5, lines 24-62; fig. 2).

4. Consider claim 2. Ito et al. teaches a system of claim 1, wherein said input module comprises a data format analysing unit for detecting and analysing the DVD-source format (col. 4, lines 49-67).

5. Consider claim 3. Ito et al. teaches a system of claim 1, wherein said input module comprises a converting unit for converting said source data in said DVD-source format in said generic DVD-format upon request of said output module (col. 5, lines 24-62).

6. Consider claim 4. Ito et al. teaches a system of claim 1, wherein said output module comprises a converting unit for converting said data requested from and supplied by said input module into said DVD-destination format (col. 5, lines 24-62).

7. Consider claim 5. Ito et al. teaches a system of claim 1, wherein said DVD-source and destination formats are DVD+R VR, DVD+RW VR, DVD-RW VR, DVD-RAM VR, DVD-R VR and DVD-Video (col. 1, lines 49-62).
8. Consider claim 6. Ito et al. teaches a system of claim 1, wherein said generic DVD-format contains information common to all DVD-source and destination formats (col. 3, lines 31-42; fig 1).
9. Consider claim 7. Ito et al. teaches a system of claim 6, wherein said information comprises at least recording and chapter information (col. 3, lines 31-42; fig. 1).
10. Consider claim 8. Ito et al. teaches a system of claim 4, wherein said converting unit of said output module is adapted to get selected data being part of a further DVD-format provided by said input module (col. 5, lines 24-62).
11. Consider claim 9. Ito et al. teaches a system of claim 1, comprising a video converter unit coupled with said output module for converting video data on said source medium into a format required by said output module (col. 5, lines 24-62).
12. Consider claim 10. Ito et al. teaches a system of claim 1, comprising a data allocation unit assigned to said write unit for allocating space on said DVD-destination medium when data is not immediately available for writing (col. 5, lines 24-62).
13. Consider claim 11. Ito et al. teaches a system of claim 1, comprising a file-system driver unit assigned to said reader unit for reading data on the DVD-source medium in a file-system (fig. 2).
14. Consider claim 12. Ito et al. teaches a method for converting any video recording source format of data stored on a DVD-source medium into a desired video recording

destination format, comprising the steps of analysing source data on a DVD-source medium for determining the DVD-source format; providing said source data in at least said DVD-source format and a generic DVD-format; getting data in one of said offered DVD-formats depending on the DVD-destination format; parsing said source data into said requested DVD-format; and parsing said data provided in said requested DVD-format into said DVD-destination format (col. 3, line 46 – col.4, line 62; col. 5, lines 24-62; fig. 2).

15. Consider claim 15. Ito et al. teaches a method of claim 12, wherein said steps of analysing, providing and parsing said source data are performed by an input module and said steps of getting and parsing said data are performed by an output module (col. 3, line 46 – col. 4, line 62; fig. 2).

16. Consider claim 16. Ito et al. teaches a method of claim 12, wherein the step of requesting data in one of said offered DVD-formats comprises the step of determining which of the provided DVD-formats matches best with the DVD-destination format (col. 4, lines 49-67).

17. Consider claim 17. Ito et al. teaches a method of claim 12, wherein for elements in said DVD-destination format having no correspondence in said requested data , corresponding data is searched and requested in the remaining provided DVD-formats (col. 5, lines 24-62).

18. Consider claim 20. Ito et al. teaches a method of claim 19, wherein the step of writing said data is performed without using extra temporary storage (fig. 2).

19. Consider claim 22. Ito et al. teaches a system for converting DVD based video recording formats among each other, comprising: a reader unit for reading source data organized in any DVD-source format from a DVD-source medium; a writer unit for writing destination data organized in any DVD-destination format on a DVD-destination medium; a processing unit coupled with the reader unit for receiving data from the source medium and coupled with said writer unit for supplying data to be written, wherein said processing unit is adapted to convert DVD-source data in any DVD-source format into DVD-destination data in any DVD-destination format (col. 3, line 46 – col.4, line 62; col. 5, lines 24-62; fig. 2).

20. Claims 13, 14, 18, 19, 23-43 are rejected using similar reasoning as the corresponding claims above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US Pat. No. 7,336,891) in view of Okuyama (US Pat. No. 7,327,939).

22. Consider claim 21. Ito et al. teaches all claimed limitations as stated above, except a computer program product stored on a computer usable medium.

However, Okuyama teaches a computer program product stored on a computer usable medium (col. 12, lines 10-22).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to provide a computer program product stored on a computer usable medium, in order to implement and execute format conversion on a computer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 aM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/
Examiner, Art Unit 2621
February 27, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621